

## REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicant notes that the Examiner has inadvertently failed to indicate his consideration of the Information Disclosure Statements filed on April 19, 2005; March 8, 2005; January 21, 2005; December 23, 2004; November 22, 2004; October 15, 2004; August 18, 2004; and January 7, 2004. Applicant has reviewed the U.S. Patent and Trademark Office's PAIR system, and notes that all of the Information Disclosure Statements are in the file in electronic form, except for the Information Disclosure Statement that was filed on August 18, 2004. Applicant herewith submits a copy of the previously filed August 18, 2004 Information Disclosure Statement, along with a copy of the date-stamped filing receipt evidencing its filing. The Examiner is respectfully requested to return completed copies of the PTO-1449 Forms that accompanied the Information Disclosure Statements to confirm his consideration of all the cited materials.

In this regard, Applicants note that the April 19, 2005; January 21, 2005; and December 23, 2004 Information Disclosure Statements do not include PTO-1449 Forms, as no new documents were cited therein. However, the Examiner is respectfully requested to indicate that these Information Disclosure Statements were reviewed.

The Examiner also indicated that some of the Information Disclosure Statements appear to be lacking copies of cited non-patent literature. Applicant notes that the April 19, 2005; March 8, 2005; and December 23, 2004 Information Disclosure Statements did not include any new prior art (e.g., all the prior art cited therein were cited in a previously filed Information

Disclosure Statement), and thus, copies of those documents were not re-submitted, in accordance with the Patent Office rules. Accordingly, the Examiner is respectfully requested to review the documents (which were submitted in prior filed Information Disclosure Statements) and return completed copies of the PTO-1449 Form to confirm his consideration of all the cited materials.

With regard to the October 15, 2004 Information Disclosure Statement, documents (1) to (3) were also previously cited in another previously filed Information Disclosure Statement and thus need not be re-submitted, while documents (4) to (16) relate to U.S. patents or applications, copies of which are not required to be submitted. Accordingly, the Examiner is respectfully requested to indicate his consideration of all the documents cited in this Information Disclosure Statement.

With regard to the Information Disclosure Statement filed on January 7, 2004, Applicant noted that numerous documents cited therein were previously cited in a prior filed Information Disclosure Statement, and thus, it was not necessary to re-submit those documents. Copies of the remaining documents may be found in the electronic file wrapper of this application and/or the parent application. Accordingly, the Examiner is respectfully requested to indicate his consideration of all the documents cited in the January 7, 2004 Information Disclosure Statement.

Further, while reviewing the application file, Applicant noted that the Examiner crossed out several "foreign patent documents" and "other documents" listed on the PTO-1449 Form that accompanied the October 24, 2003 Information Disclosure Statement, indicating that copies were not provided. Applicant notes that page 7 of this Information Disclosure Statement states that

these documents were previously submitted in the present application or during the prosecution of the parent application, and thus copies of the same were not attached thereto. The Examiner is respectfully requested to review the previously cited and submitted documents so that he can confirm his consideration of the documents with respect to the October 24, 2003 Information Disclosure Statement.

In view of the above, it is believed that copies of all the cited documents are available to the Examiner. Accordingly, the Examiner is respectfully requested to indicate his consideration of all the previously filed materials. Should the Examiner be unable to obtain copies of any previously filed document (although it appears that all the documents are available to the Examiner via the PAIR system), he is requested to contact Applicant's U.S. counsel, at the below-listed telephone number, prior to acting on this application, so that copies of any requested document(s) can be provided to the Examiner prior to his acting on the application.

Applicant thanks the Examiner for indicating that claims 10-12, 15, 16, 22-24, 27 and 28 contain allowable subject matter, and that these claims would be allowable if they are amended to be placed in independent form, including the limitations of their respective base claim and any intervening claims.

By the current amendment, Applicant amends claim 7 to include the subject matter of objected claim 10; amends claim 14 to include substantially all of the subject matter of objected claim 15; amends claim 19 to include substantially all the subject matter of objected claim 22; and, amends claim 26 to include substantially all the subject matter of objected claim 27. In view of the present amendment, Applicant submits that claims 7, 11, 12, 14, 16, 19, 23, 24, 26 and 28

are in condition for allowance, and respectfully request such an indication from the Examiner.

In order to advance the prosecution of the present application, Applicant cancels, without prejudice, the remaining claims in the application. However, such cancellation should not be taken as an acquiescence of the appropriateness of the 35 U.S.C. §103(a) rejection set forth by the Examiner, but as a desire to advance the present application, which has been made final, to issue. Further, Applicant reserves the right to submit claims similar to the canceled claims in another application.

In view of the nature of the present amendment, Applicant submits that it is no longer necessary to discuss the 35 U.S.C. §103 reject set forth by the Examiner.

Pursuant to M.P.E.P. §714.13, Applicant submits that entry of the present amendment is appropriate because the proposed amended claims avoid the rejection set forth in the last Office Action, resulting in the application being placed in condition for allowance, or, alternatively, the revised claims place the application in better condition for purposes of appeal. Further, the revised claims do not present any new issues that would require any further consideration or search by the Examiner (the Examiner having indicated that the subject matter of the pending claims are allowable), and the amendment does not present any additional claims. Accordingly, entry of the present amendment is respectfully requested.

#### SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the

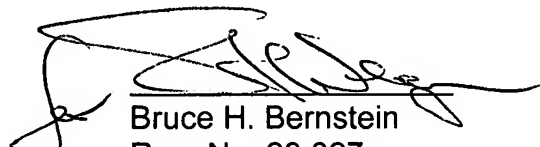
Examiner's action and allowance of the present application is respectfully requested and is believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Stephen PALM



Bruce H. Bernstein  
Reg. No. 29,027

Steven Wegman  
Reg. No. 31,438

August 15, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Enclosures: Copy of August 18, 2004 Information Disclosure Statement (copy)  
August 18, 2004 Date-stamped Filing Receipt (copy)




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 **COPY**

8/18/2004

File In: MAILROOM

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

- ( ) Amendment \_\_\_\_\_
- ( ) Executed Assignment and cover letter  
( ) by facsimile
- ( ) Executed S.E.S. ( ) S.E.S.  Association
- ( ) Req. for Ext. of Time
- ( ) Fee Filing ( )  
Recording ( )  
Issue ( )  
Extension ( )
- ( ) Fee Transmittal
- ( ) Maintenance Fee Payment
- ( ) PTOL-85B Issue Fee
- ( ) Letter to Draftsman
- ( ) Design Patent Application Transmittal
- ( ) Utility Patent Application Transmittal
- ( ) Provisional Application Cover Sheet
- ( ) Continued Prosecution Application  
(CPA) Request Transmittal
- ( ) Request for Continued Examination (RCE)  
including Submission
- ( ) Cover Letter
- ( ) Check No. \_\_\_\_\_ for \$ \_\_\_\_\_
- ( ) Rule 53b and 53f Letter for  
Unexecuted Application
- (X) 4 copies of European Actions.
- ( ) Claim of Priority & Certified  
Copy of \_\_\_\_\_
- ( ) Declaration ( ) Supplemental  
( ) New ( ) Unexecuted  
( ) Executed by facsimile
- ( ) Transmittal Letter
- ( ) Patent Application  
( ) Provisional ( ) Reexam  
( ) Reissue ( ) Design  
( ) Continuation ( ) CIP  
\_\_\_\_\_ pages (w/abstract)  
\_\_\_\_\_ claims \_\_\_\_\_ independent  
\_\_\_\_\_ sheets of drawings  
\_\_\_\_\_ figures
- (X) I.D.S. form PTO-1449 &  
References ( ) ~~as attached~~  
( ) ~~as listed on~~  
reverse
- ( ) One self-addressed postcard
- ( ) Certification under 1.97(e)
- ( ) Certificate of Mailing (C-O-M)
- ( ) Returned Envelope
- (X) 2 copies of CANAMN OFFICE ACTIONS

In the matter of : ACTIVATION OF MULTIPLE xDSL MODEMS WITH HALF AND A  
FULL DUPLEX PROCEDURES

Applicant : Stephen PALM

Application No. : 10/621,351

Patent No. :

Filed : 7/18/2003

Issued :

Docket : P23853

SW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen PALM

Group Art Unit : 2631

Appl. No. : 10/621,351

Examiner : Not Yet Assigned

Filed : July 18, 2003

Confirmation No. : 2553

For : ACTIVATION OF MULTIPLE XDSL MODEMS WITH HALF AND  
A FULL DUPLEX PROCEDURES

 COPY

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98,

Applicant hereby calls to the Examiner's attention the following documents:

A copy of a Canadian Office Action mailed in related Canadian Patent Application No.

2,338,077 on June 18, 2004 is enclosed, in which the following documents were cited:

U.S. Patent No. 5,463,382 to NIKAS et al., which issued on October 31, 1995; and

U.S. Patent No. 5,377,188 to SEKI, which issued on December 27, 1994.

The relevancy of these documents are described in the Canadian Office Action.

Applicant notes that copies of these documents were previously submitted, and thus, copies of the patents are not enclosed herewith.

A copy of a Canadian Office Action mailed in related Canadian Patent Application No. 2,407,503 on July 5, 2004 is enclosed, in which the following document was cited:

U.S. Patent No. 5,163,131 to ROW et al., which issued on November 10, 1992.

The relevancy of this document is described in the Canadian Office Action. Applicant notes that a copy of this document was previously submitted, and thus, a copy of the patent is not enclosed herewith.

A copy of a European Office Action mailed in related European Patent Application No. EP 03 007 771.3 on July 12, 2004 is enclosed, in which the following documents were cited:

European Patent Application Publication No. EP 0 974 202, which was published on January 26, 2000;

European Patent Application Publication No. EP 0 820 168, which was published on January 21, 1998;


U.S. Patent No. 5,479,447 to CIOFFI et al., which issued on December 26, 1995; and

U.S. Patent No. 4,679,227 to HUGHES-HARTOGS, which issued on July 7, 1987.

The relevancy of these documents are described in the European Office Action. Applicant notes that copies of these documents were previously submitted, and thus, copies of these documents are not enclosed herewith.

A copy of a European Office Action mailed in related European Patent Application No. EP 03 007 772.1 on July 12, 2004 is enclosed, in which the following documents were cited:

"ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipment (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and

  
**COPY**

On Leased Point-to-Point Telephone-Type Circuits"), which was published by the International Telecommunication Union in August, 1996;

U.S. Patent No. 5,493,609 to DAVIS et al., which issued on February 20, 1996; and

An article by K. KRECHMER at pages 63, 64 and 66 of Data Communications, McGraw Hill, NY, Vol. 23, No. 2 (January 21, 1994), entitled "V.34 Modems: Off to a Fast Start?."

The relevancy of these documents are described in the European Office Action.

Applicant notes that copies of these documents were previously submitted, and thus, copies of these documents are not enclosed herewith.

A copy of a European Office Action mailed in related European Patent Application No. EP 03 007 773.9 on July 12, 2004 is enclosed, in which the following documents were cited:

"ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipment (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and On Leased Point-to-Point Telephone-Type Circuits"), which was published by the International Telecommunication Union in August, 1996;

U.S. Patent No. 5,493,609 to DAVIS et al., which issued on February 20, 1996; and

An article by K. KRECHMER at pages 63, 64 and 66 of Data Communications, McGraw Hill, NY, Vol. 23, No. 2 (January 21, 1994), entitled "V.34 Modems: Off to a Fast Start?."

The relevancy of these documents are described in the European Office Action.

Applicant notes that copies of these documents were previously submitted, and thus, copies of these documents are not enclosed herewith.

A copy of a European Office Action mailed in related European Patent Application No. EP 03 007 777.0 on July 12, 2004 is enclosed, in which the following documents were cited:

"ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipment (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and On Leased Point-to-Point Telephone-Type Circuits"), which was published by the International Telecommunication Union in August, 1996;

International Patent Application Publication No. WO 98/10545, which was published on March 12, 1998;

An article by F. MESCAM, entitled "Introduction A La Procedure De Transmission HDLC", published at pages 69-73 of L 'Onde Electrique, Vol. 53, No. 2 (February, 1973); and

An article by H. OHBA et al., entitled "End-to-End Protocol Based on CCITT X.25 and Its Implementation", published at pages 281-287 of Evolutions in Computer Communications, Kyoto September 26-29, 1978, International Conference On Computer Communication, Tokyo, Japan, Vol. CONF. 4, September 1978.

The relevancy of these documents are described in the European Office Action. Applicant notes that copies of these documents were previously submitted, and thus, copies of these documents are not enclosed herewith.

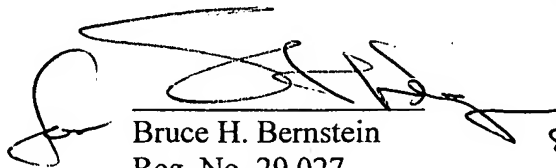
Applicant respectfully requests that the Examiner consider the above materials and cite the documents. The documents noted above are listed on a PTO-1449 Form, which is also attached hereto. The Examiner is respectfully requested to initial the appropriate spaces on the attached PTO-1449 Form and to return a copy of the completed Form to Applicant with the next official communication in the present application to confirm consideration of these documents.

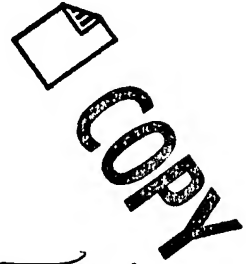
Applicant notes that an action on the merits has not been issued in this application. Further, the above documents were previously cited to the Examiner. Accordingly, Applicant

submits that it is not necessary to submit any governmental fee to ensure consideration of the documents.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Stephen PALM

  
Bruce H. Bernstein  
Reg. No. 29,027

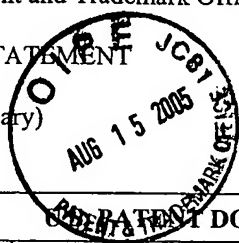


8/15/05

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FORM PTO-1449

U.S. Department of Commerce  
Patent and Trademark OfficeAtty. Docket No.  
P23853Application No.  
10/621,351INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT  
(Use several sheets if necessary)Applicant  
Stephen PALMFiling Date  
July 18, 2003Group  
2631

## PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5 4 6 3 3 8 2	10/31/95	NIKAS et al			
	5 3 7 7 1 8 8	12/27/94	SEKI			
	5 1 6 3 1 3 1	11/10/92	ROW et al			
	5 4 7 9 4 4 7	12/26/95	CIOFFI et al			
	4 6 7 9 2 2 7	07/07/87	HUGHES-HARTOGS			
	5 4 9 3 6 0 9	02/20/96	DAVIS et al			

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
0 9 7 4 2 0 2	01/26/00	E.P.O			
0 8 2 0 1 6 8	01/21/98	E.P.O			
9 8 / 1 0 5 4 5	03/12/98	W.I.P.O			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

1	"ITU-T Recommendation V.8 bis ("Procedures for the Identification and Selection of Common Modes of Operation Between Data Circuit-Terminating Equipment (DCEs) and Between Data Terminal Equipments (DTEs) Over the General Switched Telephone Network and On Leased Point-to-Point Telephone-Type Circuits"), which was published by the International Telecommunication Union in August, 1996.
2	An article by K. KRECHMER at pages 63, 64 and 66 of Data Communications, McGraw Hill, NY, Vol. 23, No. 2 (January 21, 1994), entitled "V.34 Modems: Off to a Fast Start?."
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4	An article by H. OHBA et al., entitled "End-to-End Protocol Based on CCITT X.25 and Its Implementation", published at pages 281-287 of Evolutions in Computer Communications, Kyoto September 26-29, 1978, International Conference On Computer Communication, Tokyo, Japan, Vol. CONF. 4, September 1978.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.